

Elizabeth J. Honaker  
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Attorney for Defendant

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

LIONEL SCOTT ELLISON,

Defendant.

) Case No.: DC 11-0767

) Judge: Russell C. Fagg

) **DEFENDANT'S REVISED NOTICE OF**  
) **INTENT TO CALL WITNESSES AND TO**  
) **INTRODUCE EXHIBITS AT TRIAL**

COMES NOW Defendant, Lionel Scott Ellison, by and through his attorney of record,  
Elizabeth J. Honaker, and respectfully submits the following revised list of witnesses that may  
potentially be called by the Defendant in the above-captioned case.

(1) Defendant

(2) Claude Ellison  
944 Steffanich  
Billings, MT 59105

Personal knowledge of condition of subject property prior to, and after, the  
Bogues' residency; personal knowledge of the personal property owned by  
Defendant and his parents that was missing from the premises.

(3) Marlene Ellison

(4) Greg Stovall

COPY

1 208 North 29<sup>th</sup> Street  
2 Billings, MT 59101  
(406) 861-6956

3 Private Investigator, for Honaker Law Firm, who accompanied Defendant to the  
4 subject property prior to the Bogue's residence and has personal knowledge of the  
5 condition of the residence prior to the Bogues. Also, he accompanied Defendant  
to Western Pawn shop and found items owned by Defendant that Blaine Bogue  
had pawned.

6 (5) Patrick Sweeney, Attorney  
7 2817 Second Ave. N., Suite 203  
8 Billings, MT 59104

9 Defendant's attorney for dissolution of marriage. Assisted Defendant with default  
10 by Bogues of rental and land contracts; conversations with Traveler's Insurance;  
telephone conversations with the Bogues.

11 (6) Travis Sukut  
12 TLS Construction Inc.  
4194 Morgan Avenue  
13 Billings, MT 59101  
Remodeling Contractor

14 Provide opinion as to estimation of cost of repairs to damage to subject property,  
15 interior. Also, he collected wall samples that were tested for mold. May testify to  
his opinion as to potential causes of damage to subject property.

16 (7) Sheriff Mike Linder

17 Personal knowledge of meeting with Defendant and his attorneys on January 20,  
18 2011, regarding missing property; and personal knowledge of direction to sheriff  
deputy to take statement at Defendant's parents' residence.

19 (8) H.O. Hanson  
20 Western Pawn manager, employee, or owner

21 Personal knowledge of Defendant and Greg Stovall discovering items owned by  
22 Defendant pawned at Western Pawn by Blaine Bogue and of law enforcement  
taking a statement and ordering a hold on the property.

23  
24 (9) YCSO Officer Brandon Smart  
Knowledge of administrative warrant re: Western Pawn on 9/28/2011.

25 (10) YCSO Officer Frank Fritz

1 (11) YCSO Detective Shane Bancroft

2 (12) YCSO Officer Brandon Smart

3 (13) YCSO Officer Steve Corson

4 (14) YCSO Corey Wheeldon

5 (15) YCSO Officer Smith

6 (16) Barb Strickler

7 Yellowstone Valley Electric Coop.

8 Testimony for purposes of establishing authenticity of paperwork on Bogue  
account at YVEC.

9 (17) Any and all law enforcement officers, insurance representatives, State of Montana  
10 officials, or other witnesses named, listed, or referenced on reports, interviews  
and statements provided in discovery by the State of Montana to Defendant.

11 (18) Any witnesses listed or called by the State.

12 (19) Any other necessary rebuttal witnesses.

13 **The following papers, documents, photographs and other tangible objects may be**  
14 **used by Defendant at trial:**

15 (1) Documentation of Yellowstone Valley Electric Coop. for Bogue account showing  
16 usage and turn off date of March 11, 2011;

17 (2) Copy of Property Rental Agreement between Defendant and Bogues, dated May  
18 30, 2010;

19 (3) Land Contract between Defendant and Bogues, dated May 30, 2010;

20 (4) Copy of Termination of Land Contract, Notice to Vacate, dated July 2, 2010;

21 (5) Copy of letter and Email to Blaine and Becky Bogue from Defendant, dated July  
22 8, 2010;

23 (6) Notice of Default and Termination of Land Contract, dated August 19, 2010;

24 (7) Notice of Default provided by Defendant's attorney, Patrick Sweeney, to the  
25 Bogues, dated 11/23/2010;

- (8) Two checks written to Defendant by Bogues, NSF on the check dated 6-28-2010;
- (9) Bank of America Mortgage Loan Account History;
- (10) Photographs of subject property immediately prior to Bogues' residency;
- (11) Copy of No Trespassing Notice on subject property;
- (12) Copy of Administrative Warrant by Yellowstone County, dated September 28, 2011, signed by H.O. Hanson, pawnbroker, and by Sheriff Mike Linder and by Deputy Smith;
- (13) Receipt for purchase of bare back rig western leather on 12/9/2011 by Western Pawnbrokers;
- (14) Physical evidence of bare back rig western leather, with LE initials, purchased from Western Pawnbrokers;
- (15) Copy of Travelers Insurance Policy and transmittal letter to Attorney Patrick Sweeney, dated 8/3/2011;
- (16) Travelers letter to Patrick Sweeney, dated July 18, 2011;
- (17) Travelers letter to Defendant, dated May 2, 2011;
- (18) Handwritten list by Claude Ellison of personal property stored at subject property and missing after Bogues vacated the premises;
- (19) EM Lab P&K Report/Analysis;
- (20) Bid by Travis Sukut;
- (21) Any exhibit listed by the State at any time;
- (22) Any exhibit or documentation or object currently in the State's possession seized pursuant to a search warrant;
- (23) Any evidence or exhibit introduced by the State at trial;
- (24) Any evidence, documentation, papers, copies of emails, reports, CD's, DVD's, handwriting analysis, telephone backup reports, photographs, telephone records,

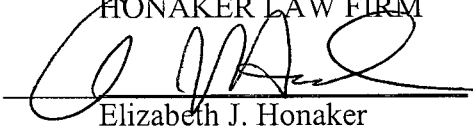
1 computer print-outs, or any and all other evidence or discovery provided by the  
2 State to Defendant during the course of this criminal proceeding (State in  
3 possession of all originals); and

4 (25) Any necessary rebuttal evidence.

5 Defendant reserves the right to supplement his notice of witnesses and exhibits prior to  
6 the date of trial.

7 DATED this 2<sup>nd</sup> day of April, 2012.

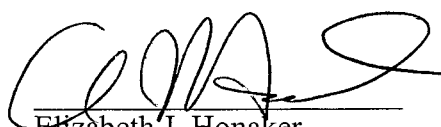
8 HONAKER LAW FIRM

9   
10 Elizabeth J. Honaker  
11 208 North 29<sup>th</sup> St., Suite 206  
12 P.O. Box 2236  
13 Billings, MT 5103-2236  
14 Attorney for Defendant

15 **CERTIFICATE OF SERVICE**

16 The undersigned hereby certifies that a true and correct copy of the foregoing document  
17 was sent via first class mail, postage prepaid, on the 2nd day of April, 2013, to the following:

18 Jameson C. Walker  
19 Montana State Auditor's Office  
20 840 Helena Ave.  
21 Helena, MT 599601

22   
23 Elizabeth J. Honaker  
24  
25